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PART I



GOVERNMENT OF KERALA

Revenue (Devaswoms) Department

NOTIFICATION

No. 60673/Dev-1/2008/RD.

Dated, Thiruvananthapuram, 25th February 2009.

The following draft of the Rules further to amend the Madras Hindu Religious and Charitable Endowment Rules, which the Government of Kerala propose to make in exercise of the powers conferred by sub-section (1) of section 100 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), is hereby published for general information as required by sub-section (3) of the said section.

Notice is hereby given that the said Draft Rules will be taken up for consideration on or after 30 days from the date of publication of this notification. Suggestions or objections, if any, in respect of the Draft Rules which may be received from any person having interest in temple affairs, before the date specified above will be considered by the Government. Suggestions or objections, if any, shall be addressed to the Additional Chief Secretary to Government, Revenue (Devaswoms) Department, Government Secretariat, Thiruvananthapuram.

DRAFT RULES

1. *Short title and commencement.*—(1) These rules may be called the Madras Hindu Religious and Charitable Endowments (Amendment) Rules, 2009.

(2) They shall come into force at once.

2. *Amendment of the Rules.*— In the Madras Hindu Religious and Charitable Endowments Rules,—

G. 213/2009/DTP.

(i) after the existing rules under the heading, rules under section 2 and 3, the following heading and rules shall be inserted, namely:—

“Rules under section 7E

1. The detailed inquiry referred to in sub-section (2) of section 7E shall be held in the manner hereinafter provided.

2. Whenever a complaint with allegation of misbehaviour or incapacity against a member of the Board is received from a Hindu or otherwise, if the Government are satisfied that there is a *prima facie* case for taking action against a member of the Board, the Government shall frame definite charge or charges which shall be communicated to the delinquent member of the Board together with a statement of allegations on which each charge is based. The delinquent member of the Board shall be required to submit within 15 days time a written statement of his defence and also to state whether he desires to be heard in person. After the written statement is received or if no such statement is received within the time allowed, the Government may, if they are satisfied that a detailed enquiry should be conducted into the misbehaviour or incapacity of the member of the Board, order that a detailed enquiry be conducted by an officer not below the rank of Joint Secretary to Government and forward the records of the case to the officer so appointed.

3. The officer conducting the enquiry (hereinafter referred as the Inquiry Officer,) shall in the course of the inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The delinquent member of the Board shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person and to have such witnesses, as may be produced, examined in his defence. The complainant, if any, shall be entitled to cross-examine the delinquent member and the witnesses examined in his defence.

4. At the conclusion of the Inquiry, the inquiry Officer shall prepare a report of the enquiry, recording his findings on each of the charges together with reasons thereon and forward the report of enquiry to the Government with all records. The delinquent member shall also be issued with a copy of the inquiry report.”.

(ii) after the existing rules under the heading, ‘Rules under section 10 (2) and 11(3)’, the following heading and rules shall be inserted, namely:—

“Rules under section 14(3)

1. Every Temple Advisory Committee shall consist of the following nine members, namely:—
 - (a) one member from among the trustees of the temple;
 - (b) the chief priest of the temple;
 - (c) one member from Scheduled Castes/Scheduled Tribes Community;
 - (d) one woman member;
 - (e) four other members;
 - (f) Executive Officer of the temple.
2. The members mentioned in clauses (c) to (e) shall be nominated by the Board from among the locally residing Hindu persons having interest in the affairs of the temple.
3. Every Temple Advisory Committee shall, in its first meeting, elect a member of the committee as its Chairman.
4. Executive Officer shall be the Convener-cum-Treasurer of the Committee.
5. Every meeting of a Temple Advisory Committee shall be convened by the Convener on the advice of the Chairman.
6. The quorum for a meeting shall be five.
7. The Temple Advisory Committee shall meet at least once in every month.
8. The Temple Advisory Committee shall take special care in maintaining the existing custom and practices of each temple.”.

By order of the Governor,

K. JAYAKUMAR,
Additional Chief Secretary to Government.
